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7

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JOEY CARDIEL,

15 Defendant.
16

Case No. 1:22-CR-00041-NODJ-BAM

STIPULATION TO CONTINUE
STATUS CONFERENCE; AND ORDER

Date: April 15, 2024
Time: 11:00 a.m.
Judge: TBD

17 **IT IS HEREBY STIPULATED** by and between the parties, through their respective
18 counsel, Antonio J. Pataca, Assistant United States Attorney, counsel for plaintiff, and Eric V.
19 Kersten, Assistant Federal Defender, counsel for defendant Joey Cardiel, that the status
20 conference scheduled for January 10, 2024 may be vacated and a motions hearing set for April
21 15, 2024. Because anticipated hearings include possible motions to dismiss the case on
22 constitutional grounds, and to suppress evidence it is requested that the hearing be set in district
23 court.

24 The requested filing dates are February 19, 2024 for the filing of defense motions; March
25 18, 2024 for the filing of any opposition; and April 1, 2024 for the filing of any reply.

26 The parties agree the delay resulting from this continuance shall be excluded under the
27 Speedy Trial Act in the interests of justice, including but not limited to, the need for the period of
28 time set forth herein for effective defense preparation, defense investigation and plea

1 negotiations; and for the filing and ruling on any motion pursuant to 18 U.S.C. §§
2 3161(h)(1)(D), 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

3
4 Respectfully submitted,

5 PHILLIP A. TALBERT
6 United States Attorney

7 DATED: January 3, 2024

/s/ Antonio J. Pataca
8 ANTONIO J. PATACA
9 Assistant United States Attorney
10 Attorney for Plaintiff

11 HEATHER E. WILLIAMS
12 Federal Defender

13 DATED: January 3, 2024

/s/ Eric V. Kersten
14 ERIC V. KERSTEN
15 Assistant Federal Defender
16 Attorney for Defendant
17 JOEY CARDIEL

ORDER

IT IS SO ORDERED. The January 10, 2024 status conference is vacated and motion briefing schedule is set as follows: the motion is to be filed by February 19, 2024; opposition to be filed by March 18, 2024; and reply is due April 1, 2024. A hearing on the motions is set for **April 15, 2024 at 8:30 a.m. in Courtroom 5 before the District Court Judge.** Time through the motions hearing and any ruling thereon shall be excluded for effective defense preparation and for the filing and ruling on any motion pursuant to 18 U.S.C. §§ 3161(h)(1)(D), 3161(h)(1)(H), 3161(h)(7)(A) and 3161(h)(7)(B)(iv). Because this continuance is being granted at Defendant's request and the Court finds that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: **January 3, 2024**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE